

REMARKS

The independent claims are claims 1, 11, and 15. All independent claims and dependent claims are rejected as anticipated by *Lilenfeld* (U.S. Patent No. 6,819,557), under 35 U.S.C. § 102(e).

A primary feature of present claim 1 is “an accordion-style extendable instrument.” In contrast, there is no accordion-style object in the *Lilenfeld* patent. According to the Random House Webster’s College Dictionary (c. 1999), page 9, the adjective “accordion” is defined as “having evenly-spaced, parallel folds like the bellows of an accordion...” Applicant respectfully submits that the Office Action has not pointed to anything “*accordion*” about *Lilenfeld*. New claim 16 is now added merely to emphasize this feature. However, the meaning of claim 1 is clear, and Applicant respectfully submits that the word “accordion” does not apply to the invention of *Lilenfeld*.

Furthermore, another novel feature of present claim 1 is “at least one additional hinge or joint.” The Office Action points to element **242** of *Lilenfeld*, at the fifth line from the end of page 2 of the Office Action. However, the Office Action already pointed to element **242** at the seventh line from the end of page 2 of the Office Action. Therefore, Applicant respectfully submits that the Office Action has not pointed to an “*additional*” hinge.

Regarding claim 5, Applicant has studied FIG. 6a of *Lilenfeld*, as recommended on page 3 of the Office Action. The stylus of *Lilenfeld* includes the shaft **270**, so the stylus of *Lilenfeld*’s FIG. 6a cannot be regarded as having a substantially circular perimeter, as presently claimed. See FIG. 6 of the present application for an example of a substantially circular perimeter. However, in order to expedite prosecution of the present application, Applicant now amends claim 5 to say that the “folded storage configuration has a substantially circular perimeter.” Notice that *Lilenfeld*’s FIG. 6b is for storage, whereas FIG. 6a is for use. At column 5, lines 61-67 it is discussed that **230** is a closed (i.e. storage) position, whereas **215** is the open position, and it is the latter rather than the former that partly has a somewhat circular perimeter.

The same reasons apply to the allowability of present claim 11 as to present claim 1.
New claim 17 is substantially like new claim 16.

Independent claim 15 is now amended merely to include the dictionary definition of "accordion." New claim 18 is like claim 15, except that it uses some means plus function language.

None of the present amendments introduce any new matter, and all of the amendments are fully supported by the specification as originally filed.

CONCLUSION

Because the cited references do not teach or suggest critical elements of the present independent claims, it is respectfully submitted that the present claims are novel and patentable. Early allowance of the pending claims is therefore earnestly solicited. Applicant would be grateful if the Examiner would please contact Applicant's attorney by telephone if the Examiner detects anything in the present response that might hinder a speedy allowance.

Respectfully submitted,



Andrew T. Hyman
Attorney for the Applicant
Registration No. 45,858

mbh
November 7, 2006
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, PO Box 224
Monroe CT 06468
Tel: (203) 261-1234
Fax: (203) 261-5676